

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DAVID PIERRE-JONES,

Plaintiff,

v.

I. CAMPOS, et al.,

Defendants.

Case No.: 1:23-cv-1372-NODJ-SKO (PC)

**ORDER GRANTING MOTION FOR LEAVE  
TO FILE AMENDED COMPLAINT**

(Doc. 9)

Plaintiff David Pierre-Jones is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983.

**I. BACKGROUND**

This action was removed to this Court from the Kings County Superior Court on September 15, 2023, by Defendants Campos-Garcia and Placencia. (*See* Doc. 1.)

On September 20, 2023, this Court issued its First Informational Order In Prisoner/Civil Detainee Civil Rights Case. (Doc. 5.)

On October 12, 2023, Plaintiff submitted correspondence to the Court, “seeking to amend [his] complaint and file a motion in the courtroom [he’s] been appointed to.” (Doc. 7.)

The Court issued its Order Regarding Plaintiff’s Request to Amend the Complaint on October 16, 2023. (Doc. 8.) The Order directed Plaintiff to file any motion for leave to file an amended complaint, accompanied by the proposed amended complaint,” within 30 days of the

1 date of service of the order. (*Id.* at 4.)

2 On November 1, 2023, Plaintiff filed a “Motion For Leave To File An Amended  
3 Complaint” and an amended civil rights complaint. (*See* Docs. 9 & 10.)

4 **II. DISCUSSION**

5 Rule 15 of the Federal Rules of Civil Procedure provides that a party may amend its  
6 pleading “only with the opposing party's written consent or the court's leave” where amendment  
7 as a matter of course is not available. *See* Fed. R. Civ. P. 15(a)(2). The rule further provides “[t]he  
8 court should freely give leave when justice so requires.” *Id.*; *see also Morongo Band of Mission*  
9 *Indians v. Rose*, 893 F.2d 1074, 1079 (9th Cir. 1990) (stating that leave to amend is to be granted  
10 with “extreme liberality”). “The power to grant leave to amend, however, is entrusted to the  
11 discretion of the district court, which determines the propriety of a motion to amend by  
12 ascertaining the presence of any of four factors: bad faith, undue delay, prejudice to the opposing  
13 party, and/or futility.” *Serra v. Lappin*, 600 F.3d 1191, 1200 (9th Cir. 2010) (quotation marks &  
14 citation omitted).

15 Plaintiff’s motion for leave to file an amended complaint will be granted. The Court will  
16 screen the amended complaint, pursuant to 28 U.S.C. § 1915A, in due course. Once the Court  
17 determines Plaintiff has stated a cognizable claim or claims, Defendants will then be directed to  
18 file a responsive pleading to the operative complaint.

19 **III. CONCLUSION AND ORDER**

20 For the reasons set forth above, **IT IS HEREBY ORDERED** that:

- 21 1. The motion for leave to file an amended complaint (Doc. 9) is **GRANTED**; and  
22 2. The Court will screen Plaintiff’s amended complaint, as required by 28 U.S.C. §  
23 1915A, in due course.

24  
25 IT IS SO ORDERED.

26 Dated: **December 13, 2023**

*/s/ Sheila K. Oberto*  
UNITED STATES MAGISTRATE JUDGE